

UNITED STATES DISTRICT COURT

for the

Southern District of OhioUnited States of America
v.

Case No.

Brandon Shawn BOWLING
Defendant(s)

2021 JUL 27 PM 4:52

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

2:21-mj-495

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 05/04/2021 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

Title 21 USC Section 846, Title 21
USC Section 841 (a)(1), and
(b)(1)(A)(viii)

Conspiracy to Distribute 50 grams or more of actual methamphetamine

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.Sworn to before me and signed in my presence. *Via Facetime*

Date:

*July 27, 2021*City and state: Columbus, Ohio

Complainant's signature

DEA Special Agent Christopher Cadogan

Printed name and title

Judge's signature

ELIZABETH A. PRESTON DEAYERS, U.S. Magistrate

Printed name and title

AFFIDAVIT

I, Christopher Cadogan, having been duly sworn, state the following:

INTRODUCTION

1. Your Affiant is a Special Agent with the Drug Enforcement Administration (DEA) and has been so employed for approximately twenty-four years. I am currently assigned to Group Four of the DEA's Columbus District Office. This group is currently comprised of narcotics investigators from the DEA and the Columbus Police Department. Group Four was designed, in part, to target individuals and groups involved in the manufacture and distribution of methamphetamine, cocaine, heroin, and fentanyl in Franklin County, Ohio. Prior to being employed by the DEA, I was employed for approximately two and one-half years as a Border Patrol Agent. As a Border Patrol Agent I was cross-designated to make federal arrests of individuals in violation of Title 21 of the United States Code. For more than twenty-six years, I have had the authority to make federal drug arrests.

2. As a DEA Special Agent, Your Affiant has participated in hundreds of narcotics investigations involving various types of controlled substances. I have received substantive advanced training pertaining to the investigation of various crimes which arise from narcotics trafficking, including money laundering, the use of interstate transportation in the furtherance of narcotics trafficking, the use of the United States Postal Service facilities in furtherance of narcotics trafficking, and the use of telecommunications facilities in the furtherance of narcotics trafficking. I have participated in investigations involving the purchase of controlled substances from suspected narcotics traffickers using both undercover narcotics investigators and confidential sources. I have participated in the drafting and execution of search warrants for narcotics, proceeds from the sale of narcotics, documentary evidence of narcotics trafficking, and for the telecommunications devices used by narcotics traffickers. I have conducted surveillances in connection with narcotics investigations. I have authored five affidavits supporting federal wire and electronic intercepts of known and suspected narcotics traffickers.

3. Through the course of these investigations, I have personally interviewed confidential sources, and other persons, involved in the distribution of illegal narcotics. I have also interviewed persons arrested for the distribution of illegal narcotics. I have spoken with more experienced narcotics investigators with whom I have worked concerning the practices of narcotics traffickers and the best investigative methods to use when conducting investigations of narcotics trafficking organizations. Through the course of my investigations and through my conversations with more experienced narcotics investigators, I have become familiar with the methods and means utilized by persons who participate in the illegal distribution of controlled substances.

PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of an application for a federal arrest warrant and criminal complaint against Levi PHILLIPS and Brandon BOWLING, for conspiring with others, both known and unknown, to distribute 50 grams or more of actual methamphetamine, a schedule II controlled substance, in violation of Title 21, U.S.C. § 841 (a)(1) and (b)(1)(A) (viii)

and Title 21, U.S.C. § 846. In addition, Levi PHILLIPS distributed 50 grams or more of a mixture and a substance containing a detectable amount of methamphetamine in violation of Title 21, U.S.C. § 841 (a)(1) and (b)(1)(B) (viii). My knowledge of this investigation is based upon my own personal observations, as well as the observation and investigation conducted by other law enforcement officers knowledgeable of the facts and circumstances involved in the subject investigation. I have not included in this Affidavit all the facts known to me, but only that information sufficient to establish probable cause to believe that Levi PHILLIPS and Brandon BOWLING committed a violation of Title 21, U.S.C. § 841 (a)(1) and (b)(1)(A)(viii) and Title 21, U.S.C. § 846, and that Levi PHILLIPS committed a violation of Title 21, U.S.C. § 841 (a)(1) and (b)(1)(B)(viii).

SUMMARY OF PROBABLE CAUSE

5. Following a series of meetings, telephone calls, and text messages between a DEA confidential source, hereafter referred to as the CS, and known drug user and street level distributor Sean Adam OGDEN, arrangements were made for DEA SA Kendall Clark and the CS, both acting in an undercover capacity, to meet with suspected mid-level methamphetamine trafficker Levi Michael PHILLIPS, sometime before noon on May 4, 2021. The purpose of the meeting was for SA Clark to purchase three (3) ounces of methamphetamine from PHILLIPS. OGDEN was acting as a conduit between the CS and purported local source of supply for methamphetamine PHILLIPS. According to the CS, PHILLIPS had agreed to sell SA Clark three (3) ounces of methamphetamine for \$1,200.00 in U.S. currency. According to the CS, PHILLIPS wanted OGDEN to be present when PHILLIPS met with the CS and the CS's business associate (SA Clark).

6. On May 4, 2021, plans were formulated at the DEA's Columbus District Office for SA Kendall Clark to meet with PHILLIPS later that day, for the purpose of purchasing three (3) ounces of methamphetamine.

7. On May 4, 2021, SA Clark was provided with \$1,200.00 in official advanced funds (OAF) with which to purchase the purported methamphetamine. SA Clark was also equipped with a digital recording device in order to record the anticipated conversation between SA Clark and PHILLIPS. In addition to the recording device, SA Clark was equipped with two transmitting devices which were subsequently monitored by DEA Task Force Officer (TFO) Jacob Smith over his cellular telephone and Your Affiant over a police radio.

8. On May 4, 2021, at approximately 12:03 p.m., DEA TFOs Andrew Wuertz, David Barrick, Jacob Smith, and DEA SA Zachary Bennett observed SA Clark arrive at a pre-designated meet spot.

9. At approximately 12:08 p.m., TFO Wuertz observed the CS and OGDEN arrive and park next to SA Clark's vehicle on the passenger side of Clark's vehicle. SA Wuertz observed OGDEN seated in the front passenger seat of the CS's vehicle.

10. According to the CS, PHILLIPS had advised OGDEN that if SA Clark wanted to meet with him they would have to come to 647 Derrer Road. According to the CS, after some

negotiation, PHILLIPS subsequently advised OGDEN that he was willing to meet with them in the street but he was adamant that they come to Derrer Road. According to the CS, OGDEN originally stated that PHILLIPS requested that they come to 647 Derrer Road but then changed it to 674 Derrer Road. Subsequent investigation revealed that PHILLIPS currently resides at 647 Derrer Road.

11. At approximately 12:41 p.m., DEA TFOs Bryan Mason, Brian Daron, David Barrick, Andrew Wuertz, DEA SAs Zachary Bennett, Christopher Caplin, and Columbus Police Department (CPD) Officer David Scarpitti established surveillance in the area of Derrer Road, between Eakin Road and Race Street.

12. At the time surveillance was established, TFO Mason observed a gray 2014 Dodge Charger, bearing Ohio license plate JHX5722, registered to Levi PHILLIPS at 647 Derrer Road in Columbus, Ohio 43204, parked on the west side of Derrer Road in front of 647 Derrer Road. TFO Mason also observed a black 2007 Chevrolet Suburban, bearing Ohio license plate JBF8416, and a silver 2005 Ford Mustang, bearing Ohio license plate HUC1897, both registered to Levi PHILLIPS at 2402 Velma Avenue in Columbus, Ohio 43211, parked next to each other, across the street from 647 Derrer Road, on the east side of Derrer Road.

13. At approximately 12:57 p.m., Your Affiant observed the CS and OGDEN arrive at the south end of the target street (Derrer Road) in the CS's vehicle followed by SA Clark in his vehicle. TFO Daron subsequently observed the two vehicles park in tandem on the east side of Derrer Road approximately 50 feet from Eakin Road. This location was in close proximity to 674 Derrer Road, the last address given out by PHILLIPS.

14. At approximately 12:58 p.m., TFO Smith observed the CS get out of his/her vehicle and then get back inside, seated again in the driver seat. At approximately the same time, Your Affiant observed SA Clark get out of his vehicle, walk over to the CS's vehicle, and then get into the CS's vehicle through the rear passenger door on the driver side.

15. At approximately 12:59 p.m., TFOs Mason, Daron, Wuertz, and SA Bennett observed the CS's vehicle containing the CS (driver), OGDEN (front passenger), and SA Clark (rear passenger) drive north on Derrer Road toward Race Street. TFO Mason subsequently observed the CS park on the east side of Derrer Road across the street from 647 Derrer Road, in close proximity to where the black Chevrolet Suburban registered to PHILLIPS was parked. According to the CS, PHILLIPS had requested that they drive to the new location on Derrer Road.

16. At approximately 1:04 p.m., TFO Mason and SA Bennett observed two white males, who were subsequently identified as Levi PHILLIPS and Brandon BOWLING, walking east from the direction of 647 Derrer Road toward the CS's vehicle. According to SA Clark, PHILLIPS was armed with what he believed was a Glock semi-automatic pistol that was tucked underneath his green basketball shorts and his underwear. According to SA Clark, he was able to see the rear sights and the slide of the pistol over PHILLIPS' white sleeveless t-shirt. TFO Mason subsequently observed PHILLIPS and then BOWLING get into the rear passenger door of the CS's vehicle on the passenger side. According to SA Clark, BOWLING placed a clear plastic

baggie containing a white crystalline substance on the center console which SA Clark subsequently took possession of. According to SA Clark, he subsequently handed PHILLIPS the \$1,200.00 in OAF which PHILLIPS immediately handed to BOWLING. According to SA Clark, BOWLING examined the bills comprising the OAF by holding them up to the window.

17. At approximately 1:09 p.m., TFO Mason and SA Bennett observed PHILLIPS and BOWLING exit the CS's vehicle and walk back west in the direction of 647 Derrer Road. At approximately the same time, TFO Mason, SA Bennett, and Your Affiant observed the CS's vehicle containing the CS (driver), OGDEN (front passenger), and SA Clark (rear passenger) flip around and drive back south on Derrer Road toward Eakin Road and SA Clark's vehicle.

18. At approximately 1:10 p.m., TFO Mason observed PHILLIPS and BOWLING arrive in the area of 647 Derrer Road. However, TFO Mason was unable to see them enter the address as the entrance faces north toward Race Street and was out of his view.

19. At approximately 1:11 p.m., TFO Daron and Your Affiant observed SA Clark get out of the CS's vehicle and then get into the driver seat of his vehicle and subsequently depart the area traveling north on Derrer Road toward Race Street. At approximately the same time, TFO Daron and Your Affiant observed the CS depart the area traveling south on Derrer Road and then east on Eakin Road.

20. TFO Smith and Your Affiant followed SA Clark from Derrer Road to the DEA's Columbus District Office. At the District Office, SA Clark relinquished custody of the clear plastic baggie containing the purported methamphetamine to Your Affiant. The baggie contained approximately 117.7 gross grams of a white crystalline substance that was further contained within three smaller clear plastic baggies.

21. Your Affiant conducted a presumptive field test from a sample taken from the purported methamphetamine that was purchased from PHILLIPS and BOWLING. The sample subsequently tested positive for the presence of methamphetamine. This presumptive field test was witnessed by TFO Smith.

22. DEA forensic chemists subsequently analyzed the suspected methamphetamine that was purchased from PHILLIPS and BOWLING. The suspected methamphetamine was found to be 100 percent pure methamphetamine, with a possible variance of 6 percent. The methamphetamine was found to contain 83.4 grams of actual methamphetamine, with a possible variance of 5.1 grams.

23. Following a series of telephone calls, and text messages between the CS and known mid-level methamphetamine trafficker Levi PHILLIPS, arrangements were made for DEA SA Kendall Clark and the CS, both acting in an undercover capacity, to meet with PHILLIPS, sometime in the late morning or early afternoon on July 8, 2021. The purpose of the meeting was for SA Clark to purchase six (6) ounces of methamphetamine from PHILLIPS. PHILLIPS had agreed to sell SA Clark six (6) ounces of methamphetamine for \$2,100.00 in U.S. currency.

24. On July 8, 2021, plans were formulated at the DEA's Columbus District Office for SA Kendall Clark to meet with PHILLIPS later that day, for the purpose of purchasing six (6) ounces of methamphetamine.

25. On July 8, 2021, SA Clark was provided with \$2,400.00 in official advanced funds (OAF) with which to purchase the purported methamphetamine. SA Clark was also equipped with a digital video and audio recording device in order to record the anticipated meeting between SA Clark and PHILLIPS. In addition to the recording device, SA Clark was equipped with a transmitting device which was subsequently monitored by DEA special agents and task force officers over their cellular telephones.

26. On July 8, 2021, at approximately 11:12 a.m., PHILLIPS sent a text message to the CS utilizing his cellular telephone (614) 390-8546 that read "I'm ready".

27. At approximately 12:50 p.m., DEA Task Force Officers (TFOs) Peter Vanderbilt, Bryan Mason, Brian Daron, Christopher Farrington, Andrew Wuertz, DEA SA Samuel Miller, Columbus Police Department (CPD) Officer David Scarpitti, and DEA Group Supervisor (GS) Joseph Plancon established surveillance in the area of 647 Derrer Road.

28. At the time surveillance was established, TFO Daron observed the gray 2014 Dodge Charger, bearing Ohio license plate JHX5722, registered to Levi PHILLIPS at 647 Derrer Road in Columbus, Ohio 43204, parked on the west side of Derrer Road facing south and the black 2007 Chevrolet Suburban, bearing Ohio license plate JBF8416, registered to Levi PHILLIPS at 2402 Velma Avenue in Columbus, Ohio 43211, parked on the east side of Derrer Road facing north. Both vehicles were parked in the vicinity of the house located at 647 Derrer Road. TFO Wuertz observed the silver 2005 Ford Mustang, bearing Ohio license plate HUC1897, registered to Levi PHILLIPS at 2402 Velma Avenue in Columbus, Ohio 43211, parked on the west side of Derrer Road, approximately 25 feet south of where the Charger was parked.

29. At approximately 12:56 p.m., DEA SA Chris Caplin and Your Affiant observed SA Clark and the CS depart the pre-designated staging area and head west on Sullivant Avenue toward PHILLIPS' residence located at 647 Derrer Road. PHILLIPS had earlier told the CS to meet him on Derrer Road, near his residence. The same area where SA Clark had purchased approximately three (3) ounces of methamphetamine from PHILLIPS on May 4, 2021.

30. At approximately 1:18 p.m., TFOs Wuertz and SA Miller observed SA Clark and the CS arrive and park on the southeast corner of the intersection of Derrer Road and Race Street, a short walk from PHILLIPS' residence located at 647 Derrer Road.

31. At approximately 1:19 p.m., TFOs Daron and Wuertz observed a white male adult, subsequently identified as PHILLIPS, walk from the area of 647 DERRER Road toward the black Chevrolet Suburban parked on the street. TFO Wuertz subsequently observed PHILLIPS get into the driver seat of the Suburban.

32. At approximately 1:21 p.m., TFOs Daron and Wuertz observed PHILLIPS drive north on Derrer Road toward Race Street.

33. At approximately 1:22 p.m., SA Miller observed PHILLIPS pull alongside of SA Clark's vehicle before subsequently parking directly in front of SA Clark's vehicle, the nose of SA Clark's vehicle almost touching the rear bumper of PHILLIPS' Suburban. Moments later, SA Miller observed SA Clark get out of his vehicle and walk toward PHILLIPS' black Suburban. SA Miller subsequently observed SA Clark leaning into the open driver window of the Suburban.

34. At approximately 1:26 p.m., SA Miller observed SA Clark walk back to his vehicle carrying a black object in his hand. SA Miller then observed SA Clark get back into his vehicle, then exit the vehicle, and once again walk back to the Suburban. According to SA Miller, SA Clark spoke briefly with PHILLIPS before again walking back to his vehicle with the CS and subsequently depart the area. According to SA Clark, the black object in his hand was a black plastic shopping bag that contained the clear plastic baggies that further contained the purported methamphetamine that he purchased from PHILLIPS for \$2,100.00 in OAF. According to SA Clark, he also gave PHILLIPS an additional \$50.00 to give to his friend Sean OGDEN for making the introduction on May 4, 2021.

35. As SA Clark and the CS were walking back to their vehicle, TFO Weurtz, SA Miller, and GS Plancon observed PHILLIPS circle the block, traveling first east on Race Street, then south on Demorast Avenue, then west on Eakin Road, before subsequently returning the Suburban to the Suburban's former parking spot on Derrer Road.

36. At approximately 1:29 p.m., as mentioned in paragraph 14, TFO Daron observed the Suburban return to the Suburban's former parking spot in front of 647 Derrer Road.

37. At approximately 1:39 p.m., TFO Daron observed PHILLIPS exit the truck carrying a plastic bag, walk toward the hood of the Suburban, and then get back inside the Suburban through the driver door.

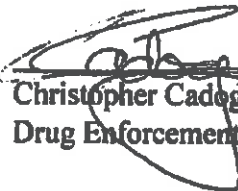
38. At approximately 1:50 p.m., TFO Daron observed PHILLIPS exit the Suburban wearing a backpack. TFO Daron subsequently observed PHILLIPS walk through the gate toward 647 Derrer Road. TFO Farrington subsequently observed PHILLIPS utilize a key to enter the front door of 647 Derrer Road.

39. SA Caplin and Your Affiant followed SA Clark from Derrer Road back to the pre-designated staging area. At the staging area, SA Clark relinquished custody of the black plastic shopping bag containing the purported methamphetamine to Your Affiant. Inside the black plastic shopping bag were two smaller clear plastic baggies, one over the other, which contained approximately 201.5 gross grams of a white crystalline substance.


40. At the DEA's Columbus District Office, Your Affiant conducted a presumptive field test from a sample taken from the purported methamphetamine purchased from PHILLIPS on July 8, 2021. The sample subsequently tested positive for the presence of methamphetamine. This presumptive field test was witnessed by SA Caplin.

CONCLUSION

41. Based upon the information presented in this affidavit, there is probable cause to believe that beginning on or about May 4, 2021, in the Southern District of Ohio, Levi PHILLIPS and Brandon BOWLING, did knowingly and intentionally conspire with others, both known and unknown, to distribute 50 grams or more of actual methamphetamine, a schedule II controlled substance, in violation of Title 21, U.S.C. § 841 (a)(1) and (b)(1)(A) (viii), and Title 21, U.S.C. § 846. In addition, Levi PHILLIPS did knowingly and intentionally distribute 50 grams or more of a mixture and a substance containing methamphetamine, a schedule II controlled substance, in violation of Title 21, U.S.C. § 841 (a)(1) and (b)(1)(B) (viii).


Christopher Cadogan, Special Agent
Drug Enforcement Administration

SUBSCRIBED and SWORN to before me this 27th day of July, 2021.


ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE

